

THE INSTITUTE on Religion and Public Policy Report:

Religious Freedom in Kosovo

Executive Summary

(1) Kosovo is a country full of ethnically and religiously motivated conflict. The problem, however, is that it is hard to tell the difference between religious discrimination and ethnic conflict because many secular citizens consider their religion a part of their culture and ethnicity. Although the Constitution provides for freedom of religion, the country is still fraught with religious discrimination and conflict. The United States Department of State is working to help Kosovo promote tolerance and equality, but the country still has a long way to go.

THE INSTITUTE on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, THE INSTITUTE on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. THE INSTITUTE works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. THE INSTITUTE encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Religious Demographics in Kosovo

(3) As a country fraught with war and ethnic conflict, Kosovo is very ethnically diverse. Of Kosovo's 2.2 million citizens, 90% are Muslim (mostly Sunni and some Sufi) most of which are part of the ethnically Albanian, Bosniak, Gorani, Turkish, and Roma communities. The Serb population, which constitutes the majority of the last 10% of the population, is mostly Serbian Orthodox. There are also Albanian and Roma Catholics and some Protestants living in small communities in Kosovo as well.

(4) Although most of the population in Kosovo associates with a particular religion, religious practice is not a part of everyday life in the country. For example, in the Muslim community, mosque attendance is down and public displays of Islamic culture and dress are rarely seen. Religious affiliation in Kosovo is associated with ethnic and cultural affiliation. The US State Department reported, "While most Kosovo Albanians identify themselves as Muslim, the designation has more of a cultural than religious connotation. Kosovo Serbs identify themselves with the SOC [Serbian Orthodox Church], which defines not only their religious but also their cultural and historical perspectives." This makes it hard to differentiate religious discrimination from ethnically motivated conflicts in Kosovo.

Legal Status

(5) The constitution establishes Kosovo as a parliamentary democracy with no state religion. The constitution provides for freedom of religion and protection against religious persecution or

discrimination. It also accepts international standards of human rights such as the United Nations Declaration of Human Rights to be followed by the government and all citizens. Kosovo's constitution, in general, provides for the freedom of religion and all human rights with the understanding that Kosovo is a very diverse country.

(6) Kosovo's constitution also provides for separation of church and state. Since there is no state religion, public institutions are not permitted to teach or promote any specific religion. The constitution states that all religious communities are endowed with the same rights as other religious communities and should therefore be treated equally under the law. By law, then, it is illegal to discriminate on the grounds of religion or ethnicity.

(7) In Kosovo, it is not mandatory for religious organizations or groups to register with the government. However, if a religious group wants to receive funding from an international organization or purchase property, the group must register as a nongovernmental organization (NGO) with the Ministry of Public Services.

Specific Instances of Religious Discrimination

(8) Although Kosovo's constitution provides for freedom of religion, the Ministry of Education prohibits the expression of religion in schools through dress. Specifically, Muslim women and girls are not allowed to wear headscarves in school. In December 2008, a teacher was suspended from her job for wearing a headscarf. She was cited for this offense, and told a local newspaper that she would not return to her job unless she was allowed to wear a headscarf. Earlier that year, another woman was refused a teaching job because she wore a headscarf. It is unclear, however, if the Ministry of Education allows students to wear headscarves or other religious dress to school. The Kosovo Islamic Community (KIC) has complained that a large number of Muslim students have been expelled from school for wearing headscarves. A case in September 2008, however, came out in favor of the student who was able to return to school with a headscarf in March 2009. Conversely, in May 2010, a 15-year-old girl, Arlinda Zeka, was expelled from school for wearing a headscarf. The community rallied and protested the decision saying, "Stop Discrimination" and "Veiling of the mind is prohibited, not of the head."

(9) Many religious leaders have expressed distress over their status as NGOs. Islamic leaders feel they should have other legal standing under the law. The Protestant community, however, has had the most trouble with this distinction. Protestant Leaders have complained that there should be another way to prove a church's legal status other than its tax identification number. Because of this, the Protestant community has faced problems registering land and obtaining building permits. In addition, many Protestant communities have alleged institutional discrimination. They say they have not been able to register property under their church's name or establish a Protestant cemetery.

(10) Many religious groups have reported incidents of theft, vandalism, and assault against their property, priests, or laypersons.

(11) For example, many individual Protestants have reported incidents of verbal discrimination. In addition, some Protestant churches were broken into and robbed. Leaders of the community, however, have alleged that these incidents were not motivated by religious discrimination. In another instance of discrimination, names, addresses, phone numbers, and names of affiliated churches of Protestant ministers and missionaries were posted on approximately 100 private web sites since November 2007

(the names had originally been posted on the Gjakova branch of the Kosovo Islamic Community (KIC) web site).

(12) There were threats and incidents of rock throwing at SOC clergy during the reporting period. In addition, in June 2009, a SOC graveyard in the Serb village of Vidanje was desecrated. Both the Mayor of Klina and several human rights NGOs condemned the act. The municipal government paid for the repairs of the graveyard.

(13) The Muslim community in Kosovo has received the same treatment as the Christian community. They reported incidents of vandalism, threats, and thefts during the reporting period. In addition, on January 9, 2009, Muslim cleric, Mullah Osman Musliu, was attacked on his way into a mosque. Five of the nine ethnic Albanians affiliated with the Wahhabist sect were arrested for the assault. On January 16, 2009, Musliu "told a local newspaper that he would not allow Wahhabists to take over other local mosques in Glogovac." According to Musliu, some of the imams in the Wahhabist community were preaching without KIC approval. However, that same day another paper reported that on the day of the attack, the mosque Musliu had been entering was closed and the KIC had instructed the local government to keep an eye on the mosque and stop any religious activity not approved by the KIC for security reasons.

(14) During the reporting period, the SOC settled some internal political issues and decided to continue working with the multiethnic Reconstruction Implementation Commission (RIC). In May 2009, the RIC continued to rebuild and repair churches damaged in the 2004 riots. Some SOC priests, monks, and laypersons now occupy some of the newly repaired RIC churches.

(15) In 2006 the Norwegian Church Aid hosted an interfaith conference in Kosovo in an attempt to facilitate interfaith dialogue between the many religious groups in Kosovo. The follow-up conference, however, has been stalled due to SOC reluctance. Leaders of Muslim and Catholic communities and some SOC groups have begun to promote "tolerance and peace in the religious and political spheres," but the Muslim and Catholic communities seem more willing to discuss issues with each other while the SOC community seems reluctant to join in the discussion.

US Foreign Policy

(16) The US State Department says, "The U.S. Government discusses religious freedom with the Government and religious representatives as part of its policy to promote ethnic and religious tolerance." Many high-level government officials have traveled to Kosovo to meet with political and religious leaders. While there, they examine the ethnic situation and help Kosovo "progress towards a more tolerant multiethnic society." The US State Department has met with many religious leaders in Kosovo in an effort to create inter-faith dialogue between the many different religious communities.

(17) The US Government has also funded the Kosovo Police and the 80 American police officers stationed in Kosovo as part of the EU-led rule of law mission. Their goal is to help prevent religious discrimination and violence.

Conclusion

(19) Kosovo still has a long way to go before it lives up to international standards of human rights and religious liberty. Because the country is so diverse both ethnically and religiously it is hard to distinguish

between religious discrimination and ethnic conflict. Either way, both conflicts must be solved. Kosovo can start solving this problem by keeping its codes of religious dress in schools and other religiously prohibiting laws consistent for all students and teachers.